



GUENTHER MILL REDEVELOPMENT PLAN

Block 2018, Lot 1 and Block 2019, Lot 1

PREPARED BY:



FOR THE



Town of Dover

MORRIS COUNTY

NEW JERSEY

August 15, 2016



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Table of Contents

| | | |
|------------|---|-----------|
| 1.0 | Introduction | 4 |
| 2.0 | Redevelopment Area | 5 |
| 2.1 | Property Description | 5 |
| 2.2 | Existing Zoning | 8 |
| 3.0 | The Need for Redevelopment | 8 |
| 4.0 | Vision, Goals and Objectives | 9 |
| 4.1 | Vision | 9 |
| 4.2 | Goals and Objectives | 10 |
| | LEED ND SIDEBAR #1 | 11 |
| | What is a Sustainable Neighborhood? | 11 |
| 5.0 | Relationship to Local Objectives | 11 |
| 6.0 | Relationship to Other Plans | 12 |
| 6.1 | Plans of Adjacent Communities | 12 |
| 6.2 | Morris County Master Plan | 13 |
| 6.3 | New Jersey State Plan | 13 |
| 7.0 | Redevelopment Plan | 15 |
| 7.1 | Supersedes Existing Zoning | 15 |
| 7.2 | Land Use & Development Requirements | 16 |
| 7.3 | Permitted Uses | 16 |
| 7.4 | Area and Bulk Requirements | 18 |
| 7.5 | Use Distribution and Residential Unit Size Requirements | 18 |
| 7.6 | Parking & Loading Requirements | 18 |
| | LEED ND Sidebar #2 | 20 |
| 7.7 | King Street Block Consolidation | 20 |
| 7.8 | Sustainable Building Practices | 20 |
| 8.0 | Design Standards | 21 |

| | | |
|-------------|--|-----------|
| 8.1 | <i>Guidelines for Buildings, Structures and Related Elements</i> | 21 |
| 8.2 | <i>Guidelines for the Site</i> | 23 |
| 8.3 | <i>Landscaping</i> | 24 |
| 8.4 | <i>Buffers</i> | 24 |
| 8.5 | <i>Signage, Awnings & Canopies</i> | 25 |
| 8.6 | <i>Windows</i> | 26 |
| 8.7 | <i>Walls & Fencing</i> | 26 |
| 8.8 | <i>Lighting</i> | 26 |
| 8.9 | <i>Building Maintenance and Preservation</i> | 27 |
| 9.0 | Implementation | 27 |
| 9.1 | <i>Zoning Provisions</i> | 27 |
| 9.2 | <i>Zoning Map Revision</i> | 27 |
| 10.0 | Amendments & Duration | 28 |
| 10.1 | <i>Amendments to the Redevelopment Plan</i> | 28 |
| 10.2 | <i>Recommendations for Redevelopment Agreement Provisions</i> | 28 |
| 10.3 | <i>Certificates of Completion & Compliance</i> | 28 |
| 10.4 | <i>Severability</i> | 28 |
| 10.5 | <i>Selection of Redeveloper(s)</i> | 28 |
| 10.6 | <i>Deviations & Waivers</i> | 29 |
| 10.7 | <i>No Private Property to be Acquired by Condemnation</i> | 30 |
| 10.8 | <i>Adverse Influences</i> | 30 |
| 10.9 | <i>Non-Discrimination Provisions</i> | 31 |
| 10.10 | <i>Escrows</i> | 31 |
| 10.11 | <i>Infrastructure</i> | 31 |
| 10.12 | <i>Relocation Plan</i> | 31 |
| 10.13 | <i>Recommendations for Redevelopment Agreement Provisions</i> | 31 |

1.0 Introduction

Guenther Mill, an industrial complex from the early 1900s, was designated as an “Area in Need of Redevelopment” by the Dover Board of Aldermen on August 9, 2016. This is in addition to the town-wide designation as an Area in Need of Rehabilitation which was adopted on August 9, 2005 (Resolution No. RL-129). The purpose of this Redevelopment Plan is to facilitate the rehabilitation of the Guenther Mill by providing for design and implementation standards.

Paul Guenther was a German immigrant who arrived in Dover during the 1890s and set up shop in another facility manufacturing silk. In 1902 Guenther moved his company to King Street, what was at the time the outskirts of town, with the area streets not even appearing on Sanborn maps until 1896 and the buildings in 1901. He demolished a frame structure and built a two-story structure that eventually grew into the massive manufacturing complex which even today covers two city blocks. Connecting the mill buildings is an elevated breezeway over King Street, completed in 1921 along with the fifth mill building.”^{1,2}

“The mill grew in phases and transformed into a massive manufacturing complex that presently covers two city blocks. The brick three-story segment, visible along King Street, was constructed shortly after Guenther’s arrival in the neighborhood in 1902. Seven years later, in 1909, the first of four-story segments were added on the east side of King Street. A twin addition on King

¹ Ibid.

² Cultural Resources Inventory, Morris County, NJ - Phase III, October 15, 2015.



Figure 1: R. historic image of Guenther Mill, date unknown.



Figure 2: Guenther Mill building today, viewed from Elm Street

Street's west side was completed in 1912. The bridge segment was erected in 1921."³ (Note that the date of the structure over King Street is likely for the wider three-story structure that exists today, but the underground tunnel under King Street appears on Sanborn maps as early as 1916.)

Guenther employed approximately 1,000 workers by 1925, and also built housing for his employees as well as churches and community centers,⁴ resulting in the neighborhood developing around the mill. The Guenther silk mill became the largest hosiery manufacturer in the world.

The business was sold in 1927 to the Gotham Silk Company, but by that time the silk industry was declining and by the end of the 1930s the mill closed.

Since then, the McGregor manufacturing company moved in and began to make world-famous sportswear, and during WWII, twill jackets for the armed forces were manufactured in the building.⁵ Today the building is mostly vacant, though marginally occupied primarily for warehousing purposes.

³ Acroterion Historic Preservation Consultants, "New Jersey Historic Sites Inventory: Morris County Cultural Resources Survey," Historic Preservation Office, Trenton, New Jersey, 1986.

⁴ Scully, Tammy. "A Silk Purse," <http://www.njskylands.com/hssilk>

⁵ Ibid

2.0 Redevelopment Area

The designated Redevelopment Area is a 1.84 acre tract consisting of Block 2018, Lot 1 and 2019, Lot 1, inclusive of the segment of King Street between Oak and Elm Streets. These parcels are also known as 69 King Street, and are bounded by Berry Street to the north, Oak Street to the west, Searing Street to the south, and Elm Street to the east. King Street bisects and is included in the Redevelopment Area.

2.1 Property Description

The factory consists mainly of two, four-story blocks, facing onto Elm Street, connected by a three-story structure over King Street. Each block has 15 bays separated by brick pilasters and unified by a continuous brick corbeled cornice. The bays include a three-story stack of segmental arched, paired 6/6 windows, with a top story of two round, arched, keystone windows. This "attic" treatment of the top story, along with the cornice, gives the appearance of an industrial palazzo.⁶ At this time, the majority of the windows are boarded up.

An important feature of the property is the three-story structure, which crosses King Street to connect the two main buildings. In addition, a tunnel beneath King Street makes a similar connection.

⁶ Cultural Resources Inventory, Morris County, NJ - Phase III, October 15, 2015.

The property currently includes uses such as storage, office and light manufacturing. The fourth (topmost) floor is presently used for document storage where possible and as is limited by loading capacity, lower ceilings than modern warehousing would require only one elevator, and an antiquated power system.

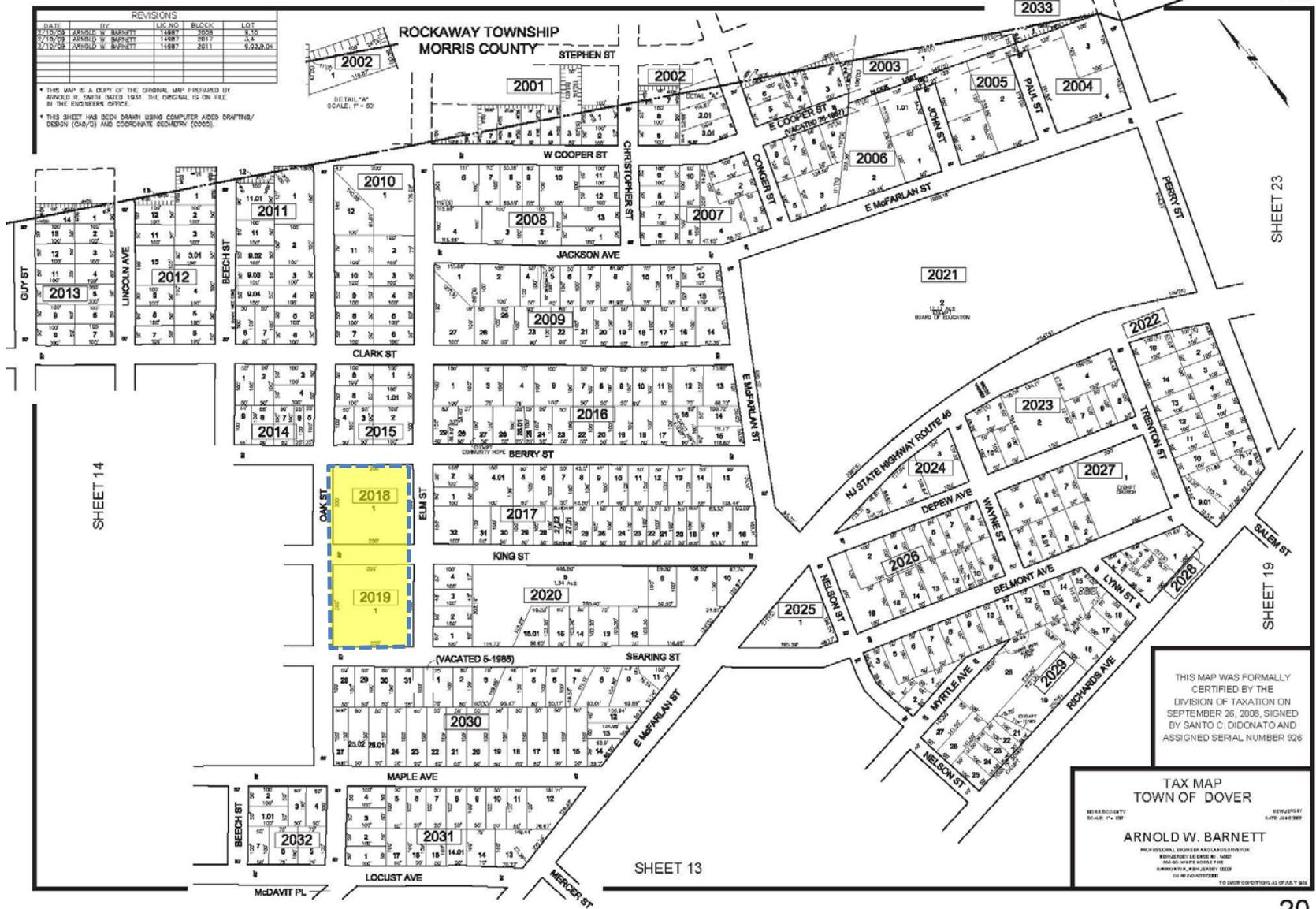
The existing mill does have certain areas of deferred maintenance that require immediate attention to avoid further deterioration, particularly on earlier portions of the building which are constructed of brick and wood whereas the newer construction is of reinforced concrete.

The interior of the building does present some challenges. A portion of the roof is unstable, leaking, and at risk of collapse, currently shored up in several places.

Overall, of the 220,000 square feet within the buildings, only 70,000 square feet is occupied.



Figure 3: Photo of Guenther Mill near Searing and Oak Streets.



Map 1: Guenther Mill Redevelopment Area, highlighted



2.2 Existing Zoning

The Guenther Mill Redevelopment Area properties are located within the Industrial – IND zone district as shown on the Town’s Zoning Map. The IND zone permits the following:

Permitted uses

- Non-nuisance industrial plants and offices which carry on processes within completely enclosed buildings, including:
 - (a) The manufacture, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as canvas, cloth, cork, fur, wood, glass, leather, paper, metals or stone, shell and wax.
 - (b) The manufacture of toys, novelties, rubber or metal stamps and other molded products.
 - (c) The manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
- Laboratories of an experimental research or testing nature.
- Lumber, coal, fuel storage and distribution yards, warehouses, wholesale distribution centers, machine repair shops and public utility storage yards, garages and other warehouses and workshops.
- Parks and playgrounds.
- Buildings used exclusively by federal, state, county or local government.
- Billboards.
- Motor vehicle service stations, motor vehicle repair garages and motor vehicle body repair shops.

Accessory uses

- Storage buildings for materials, liquids, chemicals and similar items not permitted within the main building under Fire Underwriters Standards, provided that they are not closer than 50 feet to any lot line.

Conditional Uses

- Public utility buildings, structures and facilities.
- Satellite antennas.

3.0 The Need for Redevelopment

Pursuant to Section 40A:12A-7 of the New Jersey Local Redevelopment Housing Law (LRHL), redevelopment plans shall include for the planning, development, redevelopment, or rehabilitation of the project area sufficient to include the following:

1. The plan relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the project area.
4. An identification of any property within the redevelopment area, which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities; (b) the master plan of the county in which the municipality is located; (c) the State Development and Redevelopment Plan adopted

pursuant to the “State Planning Act”, P.L. 1985, c398 (C.52:18A-196 et al.)

6. Description of the plan relationship to pertinent municipal development regulations as defined in the “Municipal Land Use Law” (MLUL). The plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area.
7. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan.

Because this Area was declared as a Non-Condemnation Redevelopment Area, the Town may not use eminent domain.

The Dover Board of Aldermen, in Resolution #2016-115, dated May 10, 2016, requested that the Planning Board undertake a preliminary investigation as to whether the Study Area identified in the resolution is in need of redevelopment pursuant to the LRHL. It was determined to qualify on August 27, 2016, as memorialized by resolution. The Board of Aldermen then charged the Planning Board with the drafting of this Redevelopment Plan.

4.0 Vision, Goals and Objectives

4.1 Vision

The Guenther Mill property is an important community asset, holding unique elements representative of the Town’s past and, because of its structural integrity and architectural interest, offering an opportunity to ensure that the buildings survive well into the future.

This Plan seeks to utilize the property’s existing characteristics and elements - shape, size and location, industrial context, historic buildings, and urban industry - and integrate them with progressive planning and design techniques.

The intent of the Plan is to permit the redevelopment and adaptation of the Guenther Mill Site for mixed-use development. It will accommodate a growing residential population that desires multi-family housing in the community, while restoring an important historic building in the neighborhood. The preferred mix of uses in the buildings will be residential in the oldest buildings fronting on Elm Street with retail encouraged on the street level, where feasible, and a variety of commercial and urban industrial uses (uses involving manufacturing, fabricating or assembly of products that require flexible space that can be accommodated within urban neighborhoods without impacting residential uses) permitted in the rear buildings. The rehabilitation of the buildings for multifamily residential use in their entirety would be permitted if the redeveloper demonstrates to the satisfaction of the Board of Aldermen, acting as the Redevelopment Entity, that the desired mix of residential, retail and commercial/light industrial uses is not economically feasible.

The Redevelopment Plan provides a clear direction for this development, requiring preservation but also allowing complementary uses that will benefit the overall community and honor the history of the building through continued use in a new era.

The vision is built on the following concepts:

Preservation - The main buildings, dating back to the early 1900s, are predominately sound and are to be preserved and updated.

Existing window openings and patterns replicating or simulating divided lites, clerestories, entries, courtyards, and even interior features will be utilized as design elements to help integrate the architecture of the past and present. Where possible, urban industrial arts and crafts will be incorporated into the project along with retail use(s) on the ground floor. Successful models such as the Greenpoint Development Corporation in Brooklyn should be considered.

Economics – In order for the Plan to be viable, it must be implementable and realistically balance competing interests. The Plan provided anticipates a mixed-use development with residential as well as retail and/or urban industrial uses. The distribution of these uses will remain somewhat flexible to respond to the market.

Community Benefit – This Redevelopment Plan envisions the Guenther Mill Redevelopment Area as a mixed-use development where the existing principal structures are preserved and rehabilitated to applicable building code standards, as well as the spirit of the Department of the Interior Standards for Rehabilitation. The site will be augmented with land uses appropriate for and beneficial to the neighborhood and community.

4.2 Goals and Objectives

The broad goal of the Guenther Mill Redevelopment Plan is to rehabilitate the existing industrial buildings in order to retain and enhance the existing structure and simultaneously create a vibrant, active mixed-use block that is knit into the fabric of the

surrounding neighborhood, helping to make it “compact, complete and connected”⁷. The Plan seeks to develop a framework to achieve goals and objectives and to address development challenges, while at the same time provide enough flexibility to accommodate future stakeholder needs and shifting market forces.

Goal 1. To preserve and revitalize the existing historic industrial structures and retain the character of the site.

Policies & Objectives

1. The original Guenther Mill property buildings will be preserved and rehabilitated in accordance with design guidelines set forth in this Plan. The windows shall be replaced or repaired so as to replicate or simulate the shape and size of the openings and divided lites, and the façade shall be restored, utilizing appropriate architectural details and materials to preserve the historic character of the building such as brick, metal hinges, metal grill work, interesting period industrial doorways and/or equipment (will be preserved) to the maximum extent possible. Removal and demolition of historic elements shall be limited to non-contributing building elements and secondary structures as well as elements which may be structurally unsound and for which stabilization or repair is deemed impractical under the scrutiny of the Secretary of the Interior’s Standards.

Goal 2. To integrate the Guenther Mill Redevelopment Area into the immediate neighborhood and provide ground level retail

⁷ LEED for Neighborhood Development, 2009, pg. xvi

and/or urban industrial uses within the interior of the building for the benefit of building residents and the community at large.

Policies & Objectives

1. The street should be activated, where feasible, by compatible ground level retail and urban industrial. Building A is the priority under this Objective.
2. Opportunities for the developer to enter into an agreement with the Town for the vacation of King Street are outlined and encouraged within this Plan. If and when this is accomplished, King Street shall remain a pedestrian and bicycle link within the street grid and a plaza or outdoor amenity.

Goal 3. To provide an opportunity for the vacation of King Street and the creation of an active pedestrian area in its place.

Policies & Objectives

1. Address the limited public space in the neighborhood.
2. Reduce vehicle speeding on King Street.
3. Expand the permitted ground floor retail and/or urban industrial uses.
4. Resolve encroachment issues of the existing three-story structure over the street and tunnel under the street.

5.0 Relationship to Local Objectives

In addition to stating the Redevelopment Area’s specific goals and objectives, the LRHL requires that the Redevelopment Plan indicate its relationship to definite local objectives regarding land uses, population density, traffic and public transportation, public utilities, recreational and community facilities, and other public improvements. This will ensure that the goals and objectives of

LEED ND SIDEBAR #1

What is a Sustainable Neighborhood?

“A neighborhood can be considered the planning unit of a town. The charter of the Congress for the New Urbanism characterizes this unit as “compact, pedestrian-friendly, and mixed-use.” By itself the neighborhood is a village, but combined with other neighborhoods it becomes a town or a city. Similarly, several neighborhoods with their centers at transit stops can constitute a transit corridor.

The neighborhood, as laid out in LEED-ND, is in contrast to sprawl development patterns, which create podlike clusters that are disconnected from surrounding areas. Existing and new traditional neighborhoods provide an alternative to development patterns that characterize sprawl, such as the single-zoned, automobile-dominated land uses that have been predominant in suburban areas since the 1950s. Instead, traditional neighborhoods meet all those same needs—for housing, employment, shopping, civic functions, and more—but in formats that are compact, complete, and connected, and ultimately more sustainable and diverse.

The metrics of a neighborhood vary in density, population, mix of uses, and dwelling types and by regional customs, economies, climates, and site conditions. In general, they include size, identifiable centers and edges, connectedness with the surroundings, walkable streets, and sites for civic uses and social interaction.”

LEED FOR NEIGHBORHOOD DEVELOPMENT, 2009, PAGE XVI

the Plan are consistent with or will support the broader community-wide goals of the Master Plan.

The 2007 Master Plan provides the basis for the long range planning and zoning efforts for the Town. The information provided in this document provides insight into the study area with both specific and general recommendations.

In 2007, the Planning Board adopted a comprehensive Master Plan. The 2007 Master Plan made general and specific references to issues relevant to the study area. Excerpts of the 2004 Master Plan are provided by the section in which they appeared.

General Objectives:

- Encourage the preservation of existing neighborhoods through innovative community-based programs that target all socio-economic demographics as well as the protection of existing stable communities
- Capitalize on opportunities for redevelopment that enhance the existing community.

Land Use Objectives:

- Adaptively reuse historic non-residential buildings for appropriate residential use where neighborhood land use patterns and infrastructure support this practice.
- Encourage well-designed mixed-use development that enhances property values rather than creating stand-alone single use facilities.
- Enhance the socioeconomics of the Town by allowing various housing types to be offered in the Downtown area that seeks to fulfill current market trends by targeting young professional and “empty-nester” households.

- Encourage redevelopment through the coordination of the municipal Master Plan to the existing and potential redevelopment areas to ensure a unified vision of future growth and development.
- Identify remaining tracts with potential for economic development through the use of Redevelopment, Planned Developments and General Development Plans that encourage connectivity to existing neighborhoods and enhance opportunities to make Dover a destination to live, work and play.

Housing Objectives:

- Enhance the protection of historic structures and sites from demolition and inappropriate alteration through regulatory control established by the passage of a local ordinance.

6.0 Relationship to Other Plans

This section of the report discusses any significant relationship of the Guenther Mill Redevelopment Plan to the master plans of contiguous municipalities, the master plan of Morris County, and the State Development and Redevelopment Plan. This is a requirement of the LRHL intended to link redevelopment planning to the regional planning goals and objectives.

6.1 Plans of Adjacent Communities

The Guenther Mill Redevelopment Area is located near the northern edge of Dover, north of Route 46 and not far from Rockaway Township. A Master Plan Reexamination Report for Rockaway Township was adopted in 2006. The Redevelopment Plan is compatible with the Reexamination Report. In fact, that report does indicate that the zoning closest to the Guenther Mill site is residential (Moderate Density Residential, R-13), and the

Report and the Land Use Plan Element do list as a goal, “to concentrate higher density development in the southerly portion of the township.”

In 2013, Rockaway Township adopted an Open Space and Recreation Plan update. Nothing within this Redevelopment Plan affects, or is affected by, Rockaway’s Open Space and Recreation Plan.

The area of Rockaway Township closest to Guenther Mill Redevelopment Area is compatible with this Plan in its designation for mixed-use development.

6.2 Morris County Master Plan

Morris County has not adopted a Master Plan since the 1970s. Nevertheless, this Redevelopment Plan is consistent with the planning goals and policies of Morris County as stated in that document.

6.3 New Jersey State Plan

2001 State Development and Redevelopment Plan

The Town of Dover, including the Guenther Mill Redevelopment Area, is designated within the Metropolitan Planning Area (PA-1) of the 2001 State Development and Redevelopment Plan (SDRP). The intent of PA-1 is to provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities. The Redevelopment Plan has a significant relationship to the SDRP by advancing many of the objectives for PA-1 Metropolitan Planning Area, including:

1. **Land Use:** Promote redevelopment and development in Cores and neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.
2. **Housing:** Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of nonresidential buildings, and the introduction of new housing into appropriate nonresidential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.
3. **Economic Development:** Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace. Encourage job training and other incentives to retain and attract businesses. Encourage private sector investment through supportive government regulations, policies and programs, including tax policies and expedited review of proposals that support appropriate redevelopment.
4. **Transportation:** Maintain and enhance a transportation system that capitalizes on high-density settlement patterns by encouraging the use of public transit systems, walking and alternative modes of transportation to reduce automobile dependency, link Centers and Nodes, and create opportunities for transit oriented redevelopment. Facilitate efficient goods

movement through strategic investments and intermodal linkages. Preserve and stabilize general aviation airports and, where appropriate, encourage community economic development and promote complementary uses for airport property such as business centers.

8. **Redevelopment:** Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.
9. **Historic Preservation:** Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the area's ability to redevelop. Coordinate historic preservation with tourism efforts.
10. **Public Facilities and Services:** Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region. Encourage the concentration of public facilities and services in Centers and Cores.

Secondly, the Redevelopment Plan has the potential to advance 4 of the eight goals of the SDRP:

- **Revitalize the State's Cities and Towns** – Revitalize New Jersey's cities and towns by investing wisely and sufficiently in improvements in their infrastructure systems, public spending programs, tax incentives and regulatory programs to leverage private investment and to encourage infill and redevelopment

in ways that are consistent with the State Plan's vision and goals.

- **Conserve the State's Natural Resources and Systems** – Conserve the State's natural resources and systems by planning the location and intensity of growth in ways to maintain natural resources and systems capacities and make the necessary infrastructure investments to protect natural resources and systems in ways that guide growth and development that are consistent with the State Plan's vision and goals.
- **Promote Beneficial Economic Growth** – Promote beneficial economic growth in locations and in ways that improve the quality of life and the standard of living for all New Jersey residents. Provide infrastructure in advance of, or concurrent with, the impacts of new development sufficient to maintain adequate facility standards. Encourage partnerships and collaborative planning with the private sector and capitalize on the State's strategic location, and economic strengths including its existing business enterprises, entrepreneurship, the research and development capacity of its institutions of higher learning, skilled workforce, cultural diversity and logistic facilities in ways that are consistent with the State Plan's vision and goals.
- **Preserve and Enhance Areas with Historic, Cultural, Scenic Open Space, and Recreational Value** – Preserve, enhance, and use historic, cultural, scenic and recreational assets by collaborative planning, design, investment, and management techniques. Locate and design development and redevelopment and supporting infrastructure to improve access to and protect these sites. Support the important role of the arts in contributing to community life, civic beauty and

redevelopment in ways that are consistent with the State Plan’s vision and goals.

2012 Draft Final State Strategic Plan

The 2012 State Strategic Plan (SSP) is New Jersey’s revised State Development and Redevelopment Plan designed to meet the statutory charges of the State Planning Act. The SSP was intended to be adopted by the State Planning Commission in November 2012, but was postponed due to Super Storm Sandy. The SPC is revising the SSP to incorporate disaster planning goals in light of Super Storm Sandy.

The overall goal of the SSP is to guide future growth by balancing development and conservation objectives best suited to meet the needs of New Jersey.

Goal 2 of the SSP is to “guide and inform regional planning, enabling each region of the State to experience appropriate growth, preservation and protection based on its assets and desires.” The SSP no longer relies on the 2001 SRPR Policy Map. Instead, the SSP has developed a system of Investment Areas to identify areas for the growth, agriculture, open space conservation and other appropriate designations.

Priority Growth Investment Areas are where more significant development and redevelopment is preferred and where public and private investment to support such development and redevelopment will be prioritized. Priority Growth Investment Areas include former PA1 areas, TDR (Transfer of Development Rights) receiving areas, urban enterprise zones, designated areas in need of rehabilitation or redevelopment, foreign trade zones,

transit villages, urban transit hubs, and other identified areas. The Goal 2 objectives and strategies direct various state agencies to focus their investments and planning efforts into the Priority Growth Investment Areas.

Goal 3 is the “preservation, protection and enhancement of critical state resources,” including historic resources, recognizing their role in economic growth and the quality of life for New Jersey residents.

This Redevelopment Plan is in clear alignment with Goals 2 and 3 of the SSP.

7.0 Redevelopment Plan

This chapter of the Redevelopment Plan provides the process and land use requirements for the redevelopment of the Guenther Mill Redevelopment Area.

7.1 Supersedes Existing Zoning

The provisions of this Redevelopment Plan shall supersede the existing IND Industrial Zoning and Development Regulations of the Town of Dover in accordance with New Jersey’s Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.c).

The Official Zoning Map of the Town of Dover is hereby amended to designate the Redevelopment Area, which consists of the following Lots and Blocks, as the “Guenther Mill Redevelopment Area”:

Block 2018, Lot 1

Block 2019, Lot 1

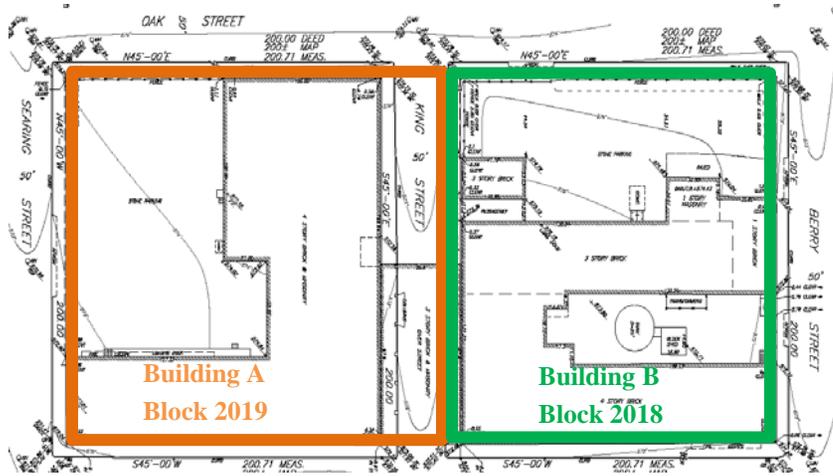


Figure 4: Building Identification

7.2 Land Use & Development Requirements

The specific land use and development requirements, including design standards that are applicable to the entire Redevelopment Area, are outlined in the following sections. For purposes of this Plan, the term “first floor” shall refer to the first floor at or above street level that can be accessed directly from the public sidewalk. The Redevelopment Area is shown above in Figure 4 as two different Buildings, A and B. The land use and development requirements below are thus associated with the specific Buildings.

7.3 Permitted Uses

1. Building A (Block 2019):

- a. Residential Units
- b. Urban Industrial/Industrial Arts: a place of work for small scale machinists, fabricators, woodworkers, craftsmen, or similar businesses engaged in working with raw materials to create finished products for sale, such as furniture, cabinetry, glass, musical instruments, models, theater sets, food products, or a

similar creative, light manufacturing or modern manufacturing use, including persons engaged in the application, teaching or performance of such endeavor. Such space shall not include residential occupancy but may include a very limited area for accessory office space (i.e. accessory exclusively to the on-site activity not to an off-site activity).

The above uses shall comply with air quality standards applicable to light manufacturing uses and shall not include uses that involve:

1. the storage of “Right-to-know” chemicals
2. flammable materials,
3. noxious odors
4. emission of excess dust or noise.

Such uses shall be permitted only on the second floor or above along the building frontage of King Street, Oak Street or Searing Street and on the ground floor along the building frontages of Oak Street and Searing Street only.

- c. Retail Sales, Retail Services, Restaurants.
- d. Indoor recreation uses.
- e. Gymnasiums and Fitness Facilities.
- f. Community Center.
- g. Professional and Medical Offices.
- h. Document and record storage.
- i. Instructional and training uses, such as “learning centers”, testing centers, arts instruction (music, fine art, dance), vocational training, etc.
- j. Adult and Child Day Care.
- k. Any existing business use in Building A at the time of rehabilitation that are not listed as a permitted use herein may remain, subject to terms to be set forth in the Redevelopment Agreement.

- i. Storage and Warehousing - warehousing/storage of retail inventory and/or auxiliary storage for any non-nuisance products leased by a commercial enterprise located on-site or off-site, except that no such products shall include:
 1. motor vehicles of any kind.
 2. "Right-to-know" chemicals
 3. flammable materials,
 4. items that emit noxious odors

2. Building B: (Block 2018)

- a. Residential Units
- b. Urban Industrial/Industrial Arts: a place of work for small scale machinists, fabricators, woodworkers, craftsmen, or similar businesses engaged in working with raw materials to create finished products for sale, such as furniture, cabinetry, glass, musical instruments, models, theater sets, food products, or a similar creative, light manufacturing or modern manufacturing use, including persons engaged in the application, teaching or performance of such endeavor. Such space shall not include residential occupancy but may include a very limited area for accessory office space (i.e. accessory exclusively to the on-site activity not to an off-site activity).

The above uses shall comply with air quality standards applicable to light manufacturing uses and shall not include uses that involve:

- 1. the storage of "Right-to-know" chemicals
 2. flammable materials,
 3. noxious odors
 4. emission of excess dust or noise.
- c. Retail Sales, Retail Services, Restaurants.
- d. Indoor recreation uses.
- e. Gymnasiums and Fitness Facilities.

- f. Community Center.
- g. Professional and Medical Offices.
- h. Document and record storage.
- i. Instructional and training uses, such as "learning centers", testing centers, arts instruction (music, fine art, dance), vocational training, etc.
- j. Adult and Child Day Care.
- k. Any existing business use in Building B at the time of rehabilitation that are not listed as a permitted use herein may remain, subject to terms to be set forth in the Redevelopment Agreement.
- l. Storage and Warehousing - warehousing/storage of retail inventory and/or auxiliary storage for any non-nuisance products leased by a commercial enterprise located on-site or off-site, except that no such products shall include:
 1. motor vehicles of any kind.
 2. "Right-to-know" chemicals
 3. flammable materials,
 4. items that emit noxious odors

3. Accessory Uses:

- 1. Parking, surface or garage
- 2. Loading
- 3. Signage
- 4. Uses such as fitness room, common laundry facilities, community lounges, and lobbies that are customary in incidental to permitted residential uses.
- 5. Outdoor community events within unutilized parking areas or vacated King Street, including but not limited to Farmers Markets and festivals.
- 6. Storage as an accessory to permitted uses on-site.

7.4 Area and Bulk Requirements

1. The existing height of the building shall not be increased, except that elevator or mechanical bulkheads and any rooftop appurtenances may be approved by the Planning Board.
2. Demolition of the existing structure or any part thereof is limited to secondary buildings and appurtenances (ie: smokestack) found to be structurally unstable or non-contributing.
3. Additions and modifications to the existing structure are not anticipated and shall be discouraged. Any structural additions to the building shall be limited in visibility, shown to be necessary for the operation of the building, clearly differentiated from the original building in materials, and in keeping with the Secretary of the Interior’s Standards for Rehabilitation.
4. Setbacks
 - Building setbacks shall not be reduced from existing conditions, except as may be approved by the Planning Board upon a showing by the redeveloper that a reduction of a setback is necessary due to practical difficulties inhibiting the use of the property as proposed.
5. Lot Coverage
 - All areas not occupied by the existing structures, surface parking, and parking garage access shall be landscaped.
 - Lot coverage shall not exceed that which exists at the time of the adoption of this Plan, inclusive of areas covered by gravel.
6. Building Coverage
 - Building coverage shall not exceed that which exists at the time of the adoption of this Plan.
7. Density – 185 dwelling unit maximum, except as noted in section 7.5 and 7.7 below.

7.5 Use Requirements

1. Nonresidential uses permitted in Section 7.3(1) are required within the ground floor of Building A. Such uses must occupy no less than 80% (eighty percent) of both the first floor area and frontage along King Street, Oak Street and Searing Street.
2. There shall be a maximum of 185 dwelling units.
3. The Board of Aldermen, acting as the Redevelopment Entity, may permit the rehabilitation of Buildings A and B so that they are used entirely for residential dwelling units, except that such approval must be based upon an economic analysis deemed satisfactory to the Entity that demonstrates that the non-residential uses in the building required in this Plan are not economically feasible. The maximum number of residential units shall not exceed 220.

7.6 Parking & Loading Requirements

| Parking Requirements | |
|---|-------------|
| Regulation | Requirement |
| multi-family residential (spaces per unit) | 1 |
| studio/1-bedroom | |
| 1-bedroom | |
| 2-bedroom | |
| 3-bedroom | 1.75 |
| retail stores and services (per 1,000 sf gfa) | 0 |
| urban industrial and crafts (per 1,000 sf gfa) | 1 |
| offices (per 1,000 sf gfa) | 1 |

1. Surface parking lots shall be set back a minimum of 3 feet from any right-of-way. Angled parking designed for one-way circulation (30°, 45°, or 60° angled stalls) may have a zero setback from a right-of-way provided that the spaces created by the “saw tooth” pattern is landscaped.

2. Tandem parking shall be permitted for residential uses subject to Board review and approval.
3. All off-street parking shall be located so as to provide for convenient access while accommodating safe pedestrian circulation between various buildings on the site.
4. Parking spaces shall measure 8.5'x18'. Up to 30% of the spaces provided within Building A and Building B may be reduced in size to no less than 8'x14' for compact cars, subject to Planning Board approval.
5. One-way driveway curb cuts shall be a minimum of ten feet in width. Two-way driveway curb cuts shall be a minimum of twenty feet in width.
6. Unless otherwise approved by the Town Engineer, no curb cuts shall be permitted to or from King Street, and no curb cuts shall be permitted within 25 feet of a street intersection as measured along the curb line.
7. Driveway drop aprons shall be installed at all driveway curb cuts, crossed by the sidewalk and designed with deference to the pedestrian. No curb returns shall be permitted.
8. Parking lot aisle width must be sufficient to accommodate vehicular movement. The applicant must demonstrate compliance with this requirement at the time of site plan approval.
9. Project must comply with all ADA regulations.
10. Interior bicycle storage shall be provided for the use of building residents.
11. Exterior bike racks are encouraged and must be permanently attached to the sidewalk in areas that will not obstruct the flow of pedestrian or vehicular traffic.
12. Residential uses require one dedicated loading zone of no less than 12'x20' for moving and large deliveries which shall be located adjacent to the structure within a surface parking area.
13. Non-residential uses require a minimum of two shared loading zones of no less than 12'x20' for shipments and deliveries which shall be located adjacent to the structure within a surface parking area.
14. No loading zones shall obstruct site circulation.
15. Perimeter street parking may be counted by the Planning Board towards meeting the parking requirement for the project if the Board determines through the review of a study prepared by a licensed professional engineer, architect or planner that the street parking around the perimeter of the Redevelopment Area is not already being relied upon to meet the parking needs of the neighborhood.

7.7 King Street Block Consolidation

The Board of Aldermen may elect to convey the right-of-way of King Street between Oak Street and Elm Street to the redeveloper to enable the development of a public space amenity between Building A and Building B. Should that occur, the intent of this Plan is that the new plaza may be activated with uses such as outdoor dining, industrial arts and craft display space and neighborhood oriented farmers markets. Should the referenced portion of the King Street ROW be conveyed to the redeveloper, such conveyance shall contain easements to ensure public access through the space, as well as access to any utilities necessary for maintenance, repair or replacement. The public space shall be improved and maintained as stipulated in the redevelopment agreement.

7.8 Sustainable Building Practices

The LEED for Neighborhood Development Rating System has three prongs: (1) Smart Location & Linkage (SLL); (2) Neighborhood Pattern & Design (NPD); and (3) Green Infrastructure & Building (GIB).

LEED ND moves beyond the objective of deeming a building “green” because it has been “certified” and evaluates the larger neighborhood of which it is a part. While this Plan does not stipulate that a LEED ND certification be obtained, it is certainly desirable to develop a project which seeks these types of goals and outcomes. The LEED-ND Scorecard shall be submitted as a checklist item as part of the Site Plan application to the Planning Board with a description of rationale as to noncompliance with any Credits that are not addressed in the project. At minimum, the Credits shown in Sidebar #2 shall be addressed.

The Regional Priority Credits were inputted on the USGBC website for the Dover zip code and the result is shown in the LEED ND

LEED ND Sidebar #2

Regional priority credit lookup

Filter

LEED ND: Plan
v2009
USA, 07802

Stormwater management

GIBc8 | Up to 4 points

Mixed-use Neighborhoods

NPDC3 | Up to 4 points

Street network

NPDC6 | Up to 2 points

Transportation demand management

NPDC8 | Up to 2 points

Locations with Reduced Automobile Dependence

SLLc3 | Up to 7 points

Housing and jobs proximity

SLLc5 | Up to 3 points

Sidebar #2, illustrating the components of the Guenther Mill project which would qualify for LEED ND points. Clearly, the more mixed-use the project is – with a substantial amount of retail and/or urban industrial components – the more points it would qualify for. As such, this approach is preferred regardless of LEED ND certification.

8.0 Design Standards

The purpose of the guidelines in this Section is to provide direction in the design and implementation of this Plan. The planning of the Guenther Mill redevelopment site will be focused on the preservation of the existing structure. Any modifications to the façade will be subject to site plan review and approval, and should be limited.

8.1 Guidelines for Buildings, Structures and Related Elements

The Guenther Mill buildings offer opportunities, through rehabilitation, adaptive reuse and sensitive redevelopment, to support a sense of place and history, enrich civic pride and develop collective memory. Strategies include:

1. Guiding Principles

- a. Retain and preserve industrial structures and original elements;
- b. Protect and enhance historic industrial character; and
- c. Provide quality new uses

2. Requirements for Rehabilitation

- a. To encourage a variety of retail, urban industrial, and residential uses, the following shall be incorporated into the rehabilitation of existing buildings:



Figure 5: Current images of Guenther Mill

- i. Provisions for adequate power shall be provided in all retail/industrial leased spaces.
- ii. HVAC system with adequate ventilation for the intended shall be provided pursuant to code.
- iii. Space shall be made available for exhibition of work and interaction between retail/industrial and residential tenants.

3. Requirements for Historic Preservation of Buildings/Facades

- a. The historic industrial character of the complex, all buildings and built components shall be protected and enhanced.

- b. Preservation shall be the primary guiding principle for rehabilitation of existing buildings, structures, and site.
- c. Remove sheds and structures that have been added to the original factory buildings or to the site over time but detract from the historic or architectural integrity.
- d. Materials shall be carefully selected which are historic period appropriate.
- e. Maintenance and Preservation and Repair-in-kind shall be the accepted method of Rehabilitation of all existing buildings and structures. The US Department of Interior’s *Standards for Rehabilitation* describes acceptable means and methods and shall be considered requirements to all Preservation and Rehabilitation activities.
- f. Existing buildings and structures to be retained shall be preserved and rehabilitated in accordance with standards referenced above. However, the condition of the smokestack appeared from visual observation to have structural cracks that may present a serious challenge to preservation. **If the structure is deemed a safety hazard and required to be removed, the redeveloper shall store the brick and any other relevant materials for re-use in the event that it is possible to reassemble the smokestack or incorporate the original materials in a landscape feature or interpretive monument somewhere on the site or within a pedestrian plaza in King Street if it becomes vacated.**
- g. “Demolition by neglect” is not permitted.
- h. Industrial elements and historic components which define the practical and historic use of the site shall be retained and preserved whenever feasible, including but not limited to smokestacks, vents, original sliding warehouse doors, hardware, and other defining architectural features. Demolition of any elements shall be limited to elements found to be structurally unstable or non-contributing, subject to the approval of the Town Engineer.
- i. Retain framing structures and other original built elements, even if no longer in use, to the greatest extent possible for



Figure 6: Buildings of mixed use should articulate change in use primarily in the treatment of fenestration, signage and awnings.

- continued service or as interpretive features to describe and mark the history of use.
- j. Building materials typical to the historic period of the original structures shall be used where modifications are deemed appropriate and necessary, including brick masonry, bluestone, limestone, metal, glass, wood, concrete, and steel. New materials must be consistent in nature of equal or greater quality, used to complementary and compatible affect. No stucco or Exterior Insulative Finishing Systems shall be utilized. Design of new elements with approved materials shall creatively reinforce and interpret historic industrial character.
- k. Rehabilitation and preservation practices shall not damage existing facades, and shall comply with referenced standards

and current code requirements. All materials, including brick and mortar used for rehabilitation and repair shall match original in color, material, texture, dimension, profile and all visual and material aspects. If replacement windows are required, replacement in kind with original materials is optimal, however replacement windows with substitute materials may be allowed, if consistent with (replicate or simulate) the visual effect of original windows. In existing or new windows, provide clear transparent glass (restoration glass is preferred but not required).

- l. Do not paint unpainted masonry. Comply with standards when removing paint or cleaning brick with only gentle non-abrasive methods. Use sacrificial mineral based waterproofing only if there is evidence of severe water penetration in the brick.
- m. Blocked window openings shall be uncovered and outfitted with new windows to match original windows in material profile and configuration based on historic documentation. Restoration of original window and door openings is required to the maximum extent feasible. Alteration of window openings or loading docks shall be considered with Planning Board approval when required for effective adaptive reuse of existing structures and for compliance with the Uniform Construction Code and the Americans with Disabilities Act.
- n. As rehabilitation may encompass façade restoration including window and lintel replacement, building system and life and safety upgrades, and structural repair, phasing is a reasonable approach to compliance with redevelopment goals to maintain active tenancy.
- o. Interior spaces and the elements within them add to the industrial historic character, and as such shall not only be retained in so far as possible, but shall also guide new development. These features include high ceilings, open bays, exposed structure, unadorned window openings, railings and stairways of simple exposed metals, industrial out-fittings, timber and concrete framing.
- p. Utility rooms may occupy no more than fifteen (15%) percent of any single façade.

8.2 *Guidelines for the Site*

Comprehensive site design and appropriate selection of materials for site rehabilitation and new improvements are important in reinforcing the historic industrial character of the Mill. Design strategies shall address both the practical working requirements of Industrial/Retail and new residential uses.

1. **Guiding Principles**

- a. The preservation and enhancement of the historic character of the site.
- b. Provision of visually pleasing, inviting, and safe pedestrian circulation.
- c. Provision of clear delineation between vehicular/ loading access and pedestrian access.

2. **Requirements**

- a. Original historic features shall be preserved, replaced-in-kind, and be retained or relocated for continued use or creative interpretation.
- b. Materials and finishes shall be consistent with historic context.
- c. Windows, doorways, clerestories, architectural details, loading docks, and other identifying features shall be protected and preserved whenever feasible.
- d. Historically appropriate materials such as brick, bluestone, cobblestone, concrete and steel shall be utilized for site walls, stairs, ramps and pavement. Materials which aid in stormwater management may also be appropriate, when compatible and well integrated. Paved areas at parking lots at Oak Street may be bituminous paving. If King street between Oak Street and Elm Street remains open to vehicular circulation, it shall be re-surfaced with cobble stone or stamped concrete to simulate a cobble stone surface.
- e. Provide well lit, secure pedestrian access along King Street and within walkways on site.

- f. Provide creative use of materials to provide pedestrian scale in the texture and form of hardscape and softscape, in pavement, trees and plantings, and amenities along all street frontages, including King Street if vacated, to protect and enhance safe and pleasant pedestrian movement.
- g. Maintain and improve original building entries and clearly define primary points of access and use. Clearly delineate loading areas and truck access.
- h. Demolition shall be selective and limited for the purposes of accommodating adaptive reuse, new construction, areas of expanded, shared and flexible site improvements and enhanced public access.
- i. If effectuated, a plaza within the vacated King Street shall be generally available for public use and must be established as a public walkway through an access easement with reasonable provisions for security as stipulated in the Redevelopment Agreement. Such outdoor space may accommodate the display of public art, events, or other community uses.
- j. Curbs, sidewalks and handicapped ramps in poor condition, as determined by the Town Engineer, shall be replaced. Other streetscape improvements, such as street trees, planters, period lighting, etc., shall be installed around the Elm Street, Searing Street, Oak Street and Berry Street frontages in accordance with Site Plan Approval.

- All landscape plants should be native species and typical full specimens conforming to the American Association of Nurserymen Standards (ANA) for quality and installation.
 - Local soil conditions and water availability should be considered in the plant selection. All plants shall be tolerant of specific site conditions.
 - Landscaping shall not inhibit access by emergency vehicles or inhibit visibility within required vehicular sight triangles.
- d. Surface Parking Lots – surface parking lot landscaping shall be provided as follows:
- A minimum of 1 shade tree shall be planted for every 10 parking spaces. Shade trees may be planted individually or clustered throughout the parking lot.
 - Shrubbery shall be less than 3 feet in height and shade trees shall have foliage no lower than 7 feet in height to provide for safe visibility.
 - No row of parking spaces shall exceed 30 spaces without interruption by a minimum 5 foot wide landscaped island.
 - Where a parking lot abuts a property line, a landscaped buffer of at least twenty four inches in height (24”) shall be planted to provide for a visual and physical screen along the entire lot perimeter.
 - Curbing shall be used in surface parking areas to prevent vehicles from encroaching upon planted area.
- e. Plants shall be selected for high drought tolerance.

8.3 Landscaping

1. Guiding Principals

- a. Soften parking and pedestrian areas
- b. Improve groundwater runoff

2. Requirements

- a. A landscaping plan for any proposed development shall be submitted to the Town for review and approval.
- b. All unpaved areas shall be landscaped.
- c. Plant selection should conform to the following general design principles:

8.4 Buffers

1. Guiding Principals

- a. Restrict visual clutter and shield unwanted elements from view.

2. Requirements

- a. All trash enclosures shall be screened to limit visibility, prevent unwanted access, and control impacts.
- b. All loading areas shall be screened to limit visibility from the public right-of-way.

8.5 Signage, Awnings & Canopies

1. Guiding Principals

- a. Preserve existing signs.
- b. Design new signs to complement the historic nature of the mill, respect historic context, and utilize historically appropriate materials
- c. Limit excess signage.
- d. Provide a means to easily identify the building and building tenants.
- e. Ensure existing architecture will not be hidden from view.
- f. Reinforce pedestrian scale

2. Requirements

- a. All signage shall show deference to the architectural features of the existing building and refrain from blocking, altering, modifying, or otherwise affecting historic architectural elements of the exiting building.
- b. Signage shall comply with the regulations set forth in §236-38 of the municipal code, unless amended herein.
- c. Regulations within §236-38.1 of the municipal code shall apply to this Redevelopment Plan, unless amended herein. Identification signs on any one façade shall be limited to 32 square feet per tenant and may be located on the floor of the building where the tenant space is physically located.
- d. Street Address Signage is required at residential entries. Commercial entries shall have a directory of commercial tenants accessible from that entrance.
- e. Digital or moving signs are strictly prohibited.

- f. No signs shall be internally illuminated, except that back-lit (“halo”) and “neon” type letter signs are acceptable, subject to Planning Board approval (Figure 7).
- g. Awnings and canopies shall be permitted only on first floor, rectangular window openings. Awnings are prohibited on arched windows.
- h. Awning and canopy width shall match the width of the existing window openings.
- i. Awning or canopy materials shall be complementary in style and material to the existing building. “Waterfall” or dome style awnings are prohibited.
- j. Signs are an element of planning and design review and shall comply with municipal standards set forth in §236-38 of the municipal code, but shall be fabricated in materials and styles consistent with and compatible to the historic industrial character of the site.
- k. Historic signs, such as “ghost signs” or other signs characteristic of the mill’s historic past, shall be maintained, preserved and repaired in kind if disturbed by required building rehabilitation.



Figure 7: New signage should express the historic industrial character of the site in materials and design.

8.6 Windows

1. Guiding Principals

- a. Preserve existing window openings.
- b. Preserve existing window styles.

2. Requirements

- a. No existing historic window openings shall be reduced in size.
- b. No existing historic door openings shall be decreased in size, with the exception of providing required entries and access points in accordance with building code and the Secretary of the Interior's Standards, and in order to enable the building to function as needed.
- c. No existing historic window openings shall be closed, with the exception of meeting building and fire code. Closures shall be a last resort and shall meet the Secretary of the Interior's Standards. Any closures shall be recessed to cast shadow and recognize the prior design.
- d. All new or replacement lintels, sills, headers, mullions, and muntins shall replicate or simulate the visual effect of the existing building.
- e. All window patterns, including divided lites, shall replicate or simulate the original character of the building.
- f. Glass block is prohibited.
- g. All ground floor windows must have a minimum of seventy percent (70%) transparency, including obstruction from interior fixtures, temporary signs and advertisements, furniture, or product displays which act as walls.
- h. Any security gates must be open mesh.

8.7 Walls & Fencing

1. Guiding Principals

- a. Afford attractive means by which to enclose or identify spaces.

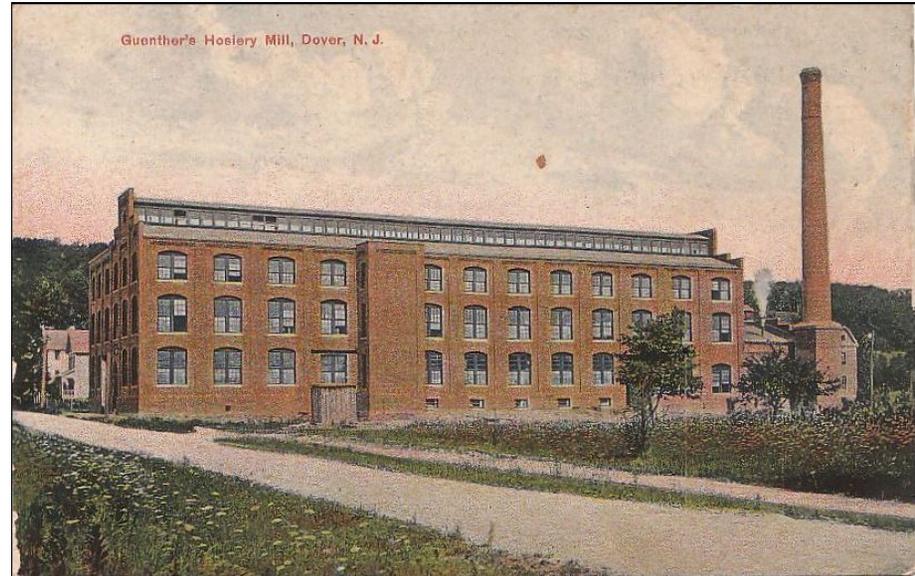


Figure 8: Historic image of Guenther Mill showing original window spacing and size.

2. Requirements

- a. Fencing or walls are permitted around the portions of the site which have parking lots along the property lines.
- b. Fencing shall not exceed four feet in height as measured from the base of the fence.

8.8 Lighting

1. Guiding Principals

- a. Afford attractive means by which to illuminate spaces and structures.

2. Requirements

- a. Low-pressure sodium or mercury vapor lighting is prohibited within the Redevelopment Plan Area.
- b. Parking Lot Lighting

- Parking lot lighting fixtures shall be no more than 25 feet in height.
- An average of 0.9 foot candle illumination must be maintained within residential parking lots.
- Parking lot fixtures shall be full cut off.
- c. Building lighting – Exterior façade illumination is encouraged to accentuate the architectural features of the building and illuminate entryways.
- d. Light Pollution Reduction
 - Automatic controls should be installed that turn off exterior lighting when sufficient daylight is available and when the lighting is not required during nighttime hours.

8.9 Building Maintenance and Preservation

1. Guiding Principles

- a. Ensure the necessary upgrades and upkeep are made to the existing mill.
- b. Ensure that building preservation is taken into account even during upgrade/modernization processes.

2. Requirements

- a. The designated redeveloper shall upgrade all the major mechanical systems of the existing buildings to be rehabilitated, including the repair of the windows and facades. Existing systems, such as the boiler, may be retained if determined by the Town to be functioning pursuant to code.

9.0 Implementation

9.1 Zoning Provisions

Effect of Plan

The Redevelopment Plan zoning supersedes the existing zoning of the Redevelopment Plan Area. The underlying IND Zone shall be eliminated.

Terms & Definitions

Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in Chapter 236, Land Use and Development, of the Town of Dover.

Other Applicable Design & Performance Standards

Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in Chapter 236, Land Use and Development, of the Town of Dover.

Conflict

Any word, phrase, clause, section or provision of this plan, found by a court and other jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, section or provision shall be deemed servable and the remainder of the Redevelopment Plan shall remain in full force and effect.

9.2 Zoning Map Revision

Because this Redevelopment Plan supersedes the underlying zone, the Official Zoning Map of the Town of Dover is required to be amended to be designated the Guenther Mill Redevelopment Area as the “Guenther Mill Redevelopment Plan (GMRP) District”.

10.0 Amendments & Duration

10.1 Amendments to the Redevelopment Plan

This plan may be amended from time to time in accordance with the procedures of the LRHL. To the extent that any such amendment materially affects the terms and conditions of duly executed redevelopment agreements between one or more redevelopers and the Town of Dover, the provisions of the redevelopment plan amendment will be contingent upon the amendment of the redeveloper agreement to provide for the plan amendment.

10.2 Recommendations for Redevelopment Agreement Provisions

While this Redevelopment Plan provides an outline for the redevelopment of Guenther Mill, the details of how the redevelopment will be implemented will need to be specified in a redevelopment agreement that is negotiated between the Town and the redeveloper(s). No development shall proceed to the Dover Planning Board for subdivision or site plan approval until after a redevelopment agreement is executed by the Town of Dover in accordance with Section 9 of the Local Redevelopment and Housing Law. The Dover Board of Aldermen, acting as the Redevelopment Entity, may waive the requirement of a redevelopment agreement prior to site plan approval in circumstances that are in the public interest or where the financing of the redevelopment project is impacted.

10.3 Certificates of Completion & Compliance

Upon the inspection and verification by the Mayor and Board of Aldermen that the redevelopment of a parcel subject to a redeveloper agreement has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such parcel will be deemed no longer in need of redevelopment.

This Redevelopment Plan will remain in effect until Certificates of Completion have been issued for the designated Area In Need of Redevelopment, or until the Redevelopment Plan is deemed no longer necessary for the public interest and repealed by Ordinance of the Mayor and Board of Aldermen. At such time as the redevelopment is complete as provided herein, the Redevelopment Plan shall become codified into the Dover Zoning Ordinance as the GMRP District regulations.

10.4 Severability

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section or provision of this Redevelopment Plan to be invalid, illegal or unconstitutional, the word, phrase, clause, section or provision shall be deemed severable and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

10.5 Selection of Redeveloper(s)

Lakos Construction, Inc. was selected by the Town of Dover to redevelop Block 2018, Lot 1 and Block 2019, Lot 1 and is the contract purchaser of the Redevelopment Area. Should a redevelopment agreement not be successfully executed with Lakos Construction, Inc., this Redevelopment Plan will continue to govern the future use and development of the Redevelopment Area. The Mayor and Board of Aldermen, acting as the Redevelopment Entity

may, at any time, engage the current or future owner of the property in an effort to successfully execute a redevelopment agreement to implement this Redevelopment Plan as it may be amended from time to time to respond to changes in the economy and real estate marketplace.

The following provisions regarding redevelopment are hereby included in connection with the implementation of this Redevelopment Plan and the selection of a redeveloper(s) for any property included in the Redevelopment Plan and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations to the contrary:

1. The redeveloper, its successor or assigns shall develop the property in accordance with the uses and building requirements specified in the Redevelopment Plan.
2. Until the required improvements are completed and a Certificate of Completion is issued by the Redevelopment Entity, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any redeveloper agreement, lease, deed or other instrument shall remain in full force and effect.
3. The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial guarantees of the redeveloper(s) and any other provisions to assure the successful completion of the project.
4. The designated redeveloper(s) shall be responsible for any installation or upgrade of infrastructure related to their project whether on-site or off-site. Infrastructure items include, but are not limited to gas, electric, water, sanitary and storm

sewers, telecommunications, recreation or open space, streets, curbs, sidewalks, street lighting and street trees or other improvements. The extent of the designated redeveloper's responsibility will be outlined in the redeveloper's agreements with the Town. All new utilities shall be placed underground to the extent feasible, subject to the review and approval of the Town Engineer.

5. All infrastructure improvements shall comply with applicable local, state and federal law and regulations, including the Americans with Disabilities Act, where applicable.

In addition to the provision of the infrastructure items set forth herein, the Redevelopment Agreement may provide that the redeveloper(s) will agree to provide amenities, benefits, fees and payments in addition to those authorized under the Municipal Land Use Law.

10.6 Deviations & Waivers

1. The Planning Board may grant deviations from the regulations contained within the Land Use Regulations found in Section 7.0 of this Redevelopment Plan. These deviations may be classified as "c" or bulk variances. The grant of such deviations shall not be considered an amendment to this Redevelopment Plan and may be granted (1) where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property within the Redevelopment Area, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary situation uniquely affecting a specific piece of property or existing structures lawfully constructed thereon, the strict application

of the regulation of the Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property; or, (2) where the purposes of this Redevelopment Plan would be advanced by the deviation and the benefit of the deviation would substantially outweigh any detriments.

2. The Planning Board may grant waivers from regulations controlled by the Design Guidelines found in Article 8.0 of this document, provided that such waiver would advance the general intent and purpose of this Redevelopment Plan and that literal enforcement of the provisions of the Plan will result in undue hardship to the developer due to particular and exceptional conditions pertaining to Redevelopment Plan Area.
3. The Zoning Board of Adjustment may NOT grant deviations from the regulations contained in this Redevelopment Plan.
4. An amendment to the Redevelopment Plan shall be required where a deviation would result in permitting or expanding a use not specifically permitted in this Plan.
5. The design regulations within this plan are intended to complement the State Historic Preservation Office (SHPO) guidelines and the Secretary of the Interior's Standards for Historic Preservation. The design regulations of this plan shall govern, except where this Plan is silent, the State Historic Preservation Office (SHPO) guidelines and the Secretary of the Interior's Standards for Historic Preservation shall be utilized for guidance.
6. Any word, phrase, clause, section or provision of this plan, found by a court or other jurisdiction to be invalid, illegal or

unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the Plan shall remain in full force and effect.

10.7 No Private Property to be Acquired by Condemnation

This Redevelopment Plan encourages the owners of private properties situated within the Rehabilitation Area to apply for designation as a redeveloper in order to carry out redevelopment in accordance with this Plan. With the consent of the property owner, a contract purchaser may apply for redeveloper designation. As this Plan is based upon an Area In Need of Redevelopment designation, Section 16 of the Local Redevelopment and Housing Law generally provides that the redevelopment powers are available with the adoption of a redevelopment plan. Because this Area was adopted without the powers of Condemnation, the Town is not authorized to take or acquire private property by condemnation in furtherance of a redevelopment plan. Therefore no private property is identified for acquisition other than through private sale between a willing buyer and seller.

10.8 Adverse Influences

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

10.9 Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be affected or executed by the Board of Aldermen or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Board of Aldermen, or the developer, upon the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender.

10.10 Escrows

At a minimum, the Redevelopment Agreement shall provide that the redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the Town and the professional consultants retained by the Town to negotiate the Redevelopment Agreement, undertake any studies in connection with the project, review the proposed redevelopment project and advise the Town on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement.

10.11 Infrastructure

The redeveloper, at the redeveloper's cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with the provision of traffic control measures, water, sanitary sewer, flood mitigation measures, and stormwater sewer service to the project, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the

redeveloper's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on and off-site traffic controls and road improvements for the project or required as a result of the impacts of the project.

10.12 Relocation Plan

No dislocation is anticipated with this plan.

10.13 Recommendations for Redevelopment Agreement Provisions

While this Redevelopment Plan provides an outline for the redevelopment of the Guenther Mill Redevelopment Area, the details of how the redevelopment will be implemented will need to be specified in the Redevelopment Agreement that is negotiated between the Town and one or more redevelopers. No development shall proceed to the Dover Planning Board for subdivision or site plan approval until after a Redevelopment Agreement is executed by the Town of Dover in accordance with Section 9 of the Local Redevelopment and Housing Law. The Redevelopment Agreement shall conform to the provisions of this Redevelopment Plan.

In addition, this Plan recommends the following provisions be incorporated or addressed in the Redevelopment Agreement:

1. Vacation and conveyance of King Street.



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN

RESOLUTION 2016-178

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER DESIGNATING AN AREA OF THE TOWN OF DOVER, AS MORE PARTICULARLY DESCRIBED HEREIN, AS "AN AREA IN NEED OF REDEVELOPMENT", PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, on May 10, 2016, the Mayor and Board of Alderman adopted Resolution # 2016-115, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as:

- Block 2018, Lot 1;
- Block 2019, Lot 1;

as identified on the Official Tax Map of the Town of Dover (the "Study Area") to determine if such properties qualify as a "non-condemnation" area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"); and

WHEREAS, the Planning Board retained the services of Maser Consulting, P.A., a professional engineering, planning and design firm ("Maser") to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, Maser conducted such investigations and prepared a report of its investigations entitled "Redevelopment Study Area Determination of Need, Guenther Mill Site : Block 2018, Lot 1; Block 2019, Lot 1" dated July 6, 2016 (the "Redevelopment Investigation Report"); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area and the properties therein exhibit conditions which conform with various redevelopment criteria, including criteria a, b, d, and e under Section 5 of the Redevelopment Law, N.J.S.A. 40A:12A-5, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, on July 27, 2016, the Planning Board conducted a duly-noticed public hearing, pursuant to N.J.S.A. 40A:12A-6, at which time it heard a presentation of the Redevelopment Investigation Report by David G. Roberts, AICP/PP, LLA, RLA, the primary author of the Redevelopment Investigation Report, as well as comments from Michael Hantson, PE, PP, CME, the Town Engineer and Planner and members of the public in attendance; and

WHEREAS, Mr. Roberts and Mr. Hantson responded to questions from the Planning Board members and members of the public; and

TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN

WHEREAS, based upon the Redevelopment Investigation Report, Mr. Roberts' testimony concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concluded that the Study Area meets the criteria for designation as a "non-condemnation" area in need of redevelopment under the Redevelopment Law as detailed in the Redevelopment Investigation Report and recommending that the Mayor and Board of Alderman designate the Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Board of Alderman accept the conclusions of the Redevelopment Investigation Report and the Planning Board's recommendation and wish to designate the Study Area as a "non-condemnation" area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Alderman of the Town of Dover that the Study Area described herein be and hereby is designated as a Non-Condensation Redevelopment Area, pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6.

BE IT FURTHER RESOLVED, that the Dover Planning Board prepare a Redevelopment Plan for said properties in accordance with NJSA 40A:12A-7.

ATTEST: TOWN OF DOVER, COUNTY OF MORRIS

Margaret J. Verga
Margaret J. Verga, Municipal Clerk

by: James P. Dodd, Mayor

ADOPTED: 08/09/2016

Figure 9: Board of Aldermen Resolution of Redevelopment Area Designation



TOWN OF DOVER

MAYOR AND BOARD OF ALDERMEN

ORDINANCE NO. 21-2016

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS AND THE STATE OF NEW JERSEY ADOPTING THE "GUENTHER MILL REDEVELOPMENT PLAN", BLOCK 2018, LOT 1 AND BLOCK 2019 LOT 1 PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 ET. SEQ.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment or rehabilitation and improvement of areas in need of rehabilitation; and

WHEREAS, pursuant to the Act on August 9, 2016, the Town of Dover adopted Resolution No. 2016-179 designating Block 2018, Lot 1, and Block 2019, Lot 1; as a "Non-Condemnation Area In Need of Redevelopment"; and

WHEREAS, the Mayor and Board of Alderman directed the Planning Board to prepare a Redevelopment Plan for said properties pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-7*; and

WHEREAS, the Planning Board retained the services of David Roberts, AICP, PP, LLA, RLA of Maser Consulting, P.A., a professional engineering, planning and design firm ("Maser") to assist in preparing a Redevelopment Plan; and

WHEREAS, David Roberts, AICP, PP, LLA, RLA of Maser prepared a Redevelopment Plan entitled "Guenther Mill Redevelopment Plan;" dated August 15, 2016 (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan was prepared in accordance with *N.J.S.A 40A:12A-7a*; and

WHEREAS, the Planning Board has reviewed said Redevelopment Plan and has determined that it is substantially consistent with the Town of Dover Master Plan, the Master Plan of the County of Morris, and the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act", P.L. 1985, c.398 (*C.52:18A-196 et al.*);

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey as follows:

1. Purpose & Intent; Background.

The purpose and intent of this Ordinance is to adopt by reference the Redevelopment Plan as prepared by Maser entitled "Guenther Mill Redevelopment Plan;" dated August 15, 2016. This Ordinance is adopted under the authority of the Act. This Ordinance and the Redevelopment Plan, involve the properties located at Block 2018, Lot 1, and Block 2019, Lot 1 on the Tax Map of the Town of Dover in conformance with the requirements of *N.J.S.A. 40A:12A- 7*.

2. **Adoption of Redevelopment Plan.**

The Mayor and Board of Aldermen hereby adopt by reference, and incorporates the same herein as if set forth at length, the "Guenther Mill Redevelopment Plan;" dated August 15, 2016. In adopting said Redevelopment Plan, the governing body hereby declares and determines that said Redevelopment Plan meets the criteria, guidelines and conditions set forth at N.J.S.A. 40A: 12A-7; provides realistic opportunities for redevelopment in said Area in Need of Redevelopment; and is otherwise in conformance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A.: 40A: 12A-1 et. seq.

The Mayor and Board of Aldermen further find and determine that said Redevelopment Plan effectuates the objectives of the Town of Dover's Master Plan.

The provisions of this Redevelopment Plan shall supersede the existing IND Industrial Zoning and Development Regulations of the Town of Dover in accordance with New Jersey's Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.c).

The Official Zoning Map of the Town of Dover is hereby amended to designate the Redevelopment Area, which consists of the following Lots and Blocks, as the "Guenther Mill Redevelopment Area":

Block 2018, Lot 1

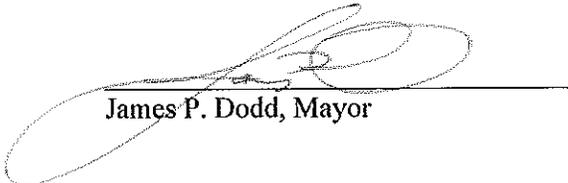
Block 2019, Lot 1

3. If any section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.
4. All ordinances or parts of ordinances heretofore adopted that are inconsistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
5. This Ordinance shall become final upon adoption and publication in the manner prescribed by law.

ATTEST:

TOWN OF DOVER, COUNTY OF MORRIS


Margaret J. Verga, Clerk


James P. Dodd, Mayor

Introduced: 09/13/2016

Adopted: 09/27/2016